

Iowa

	Phone
Agency	Department of Inspections and Appeals, Health Facilities Division (515) 281-6325
Contact	Linda Kellen (515) 281-7624
E-mail	Linda.Kellen@dia.iowa.gov
Web Site	https://dia-hfd.iowa.gov/DIA_HFD/Home.do

Licensure Term Assisted Living Programs and Dementia-specific Assisted Living Programs

Opening Statement The Department of Inspections and Appeals, Health Facilities Division, licenses assisted living programs (ALPs). Programs are certified, which is the functional equivalent of licensure.

Legislative and Regulatory Update There are no recent legislative changes affecting ALPs.

Updated rules for assisted living promulgated since June 2017 include:

(1) A new chapter defining "Personal degradation" as a willful act or statement by a caretaker intended to shame, degrade, humiliate, or otherwise harm the personal dignity of a dependent adult, or where the caretaker knew or reasonably should have known the act or statement would cause shame, degradation, humiliation, or harm to the personal dignity of a reasonable person. "Personal degradation" includes the taking, transmission, or display of an electronic image of a dependent adult by a caretaker, where the caretaker's actions constitute a willful act or statement intended to shame, degrade, humiliate, or otherwise harm the personal dignity of the dependent adult, or where the caretaker knew or reasonably should have known the act would cause shame, degradation, humiliation, or harm to the personal dignity of a reasonable person (IAC 441-52).

(2) Reinterpretation of rule IAC 69.2(2) to strictly enforce the requirement of alarm systems on all exit doors in programs certified as dementia-specific. Previously, the state survey agency had required exit door alarms on dementia-specific areas located within a general population program, with both areas certified dementia-specific. Such arrangements now require both general and dementia-specific certification, or that all exit doors be alarmed, including exit doors in the general population program.

(3) Expansion of the Medicaid Fraud Control Units' investigative powers to include access to all tenant health and person records without a subpoena if the program cares for one or more Medicaid-eligible persons under the Elderly Waiver (IAC 481-73).

(4) Updates to procedures regarding contesting state survey agency survey and certification citations.

Definition

"Assisted living" means provision of housing with services, which may include (but are not limited to) health-related care, personal care, and assistance with instrumental activities of daily living (IADLs) to three or more tenants in a physical structure that provides a homelike environment. Assisted living also includes encouragement of family involvement, tenant self-direction, and tenant participation in decisions that emphasize choice, dignity, privacy, individuality, shared risk, and independence. Assisted living includes the provision of housing and assistance with IADLs only if personal care or health-related care is also included. Assisted living includes 24 hours per day response staff to meet scheduled and unscheduled or unpredictable needs in a manner that promotes maximum dignity and independence and provides supervision, safety, and security.

Disclosure Items

Assisted Living Programs must provide a copy of a required written occupancy agreement to the tenant or tenant's legal representative as well as any subsequent changes. The occupancy agreement must clearly describe the rights and responsibilities of the tenant and the program and must also include (but is not limited to) the following information:

- (1) A description of all fees, charges, and rates describing tenancy and basic services covered, and any additional and optional services and their related costs;
- (2) A statement regarding the impact of the fee structure on third-party payments, and whether third-party payments and resources are accepted by the Assisted Living Program;
- (3) The procedure followed for nonpayment of fees;
- (4) Identification of the party responsible for payment of fees and identification of the tenant's legal representative, if any;
- (5) The term of the occupancy agreement;
- (6) A statement that the Assisted Living Program shall notify the tenant or the tenant's legal representative, as applicable, in writing

at least 30 days prior to any change being made in the occupancy agreement with two exceptions;

(7) A statement that all tenant information shall be maintained in a confidential manner to the extent required under state and federal law;

(8) Occupancy, involuntary transfer, and transfer criteria and procedures, which ensure a safe and orderly transfer;

(9) The internal appeals process provided relative to an involuntary transfer;

(10) The program's policies and procedures for addressing grievances between the Assisted Living Program and tenants, including grievances relating to transfer and occupancy;

(11) A statement of the prohibition against retaliation as prescribed in section 231C.13;

(12) The emergency response policy;

(13) The staffing policy which specifies if nurse delegation will be used and how staffing will be adapted to meet changing tenant needs;

(14) In Dementia-specific Assisted Living Programs, a description of the services and programming provided to meet the life skills and social activities of tenants;

(15) The refund policy;

(16) A statement regarding billing and payment procedures;

(17) The telephone numbers for filing a complaint with the department, the office of the tenant advocate, and reporting dependent adult abuse;

(18) A copy of the program's statement on tenants' rights;

(19) A statement that the tenant landlord law applies to Assisted Living Programs; and

(20) A statement that the program will notify the tenant at least 90 days in advance of any planned program cessation, which includes

voluntary decertification, except in cases of emergency.

Occupancy agreements and related documents executed shall be maintained by the Assisted Living Program in program files from the date of execution until three years from the date the occupancy agreement is terminated. A copy of the most current occupancy agreement shall be provided to members of the general public, upon request.

Facility Scope of Care

Programs may provide assistance with up to four activities of daily living (ADLs), and IADLs. In addition, health-related care (by an RN or LPN) may be provided on a part-time or intermittent basis only, not to exceed 28 hours per week.

Third Party Scope of Care

A program may contract for personal care or health-related services. However, the certified assisted living program is accountable for meeting all minimum standards.

Admission and Retention Policy

A program may not knowingly admit or retain a tenant who: requires more than part-time or intermittent health-related care; is bed-bound; is under the age of 18; requires routine two-person assistance to stand, transfer, or evacuate; on a routine basis, has unmanageable incontinence; is dangerous to self or other tenants or staff; is in an acute stage of alcoholism, drug addiction, or uncontrolled mental illness; is medically unstable; requires maximal assistance with ADLs; or, despite intervention, chronically urinates or defecates in places that are not considered acceptable according to societal norms, such as on the floor or in a potted plant. "Part-time or intermittent care" means licensed nursing services and professional therapies that are provided in combination with nurse-delegated assistance with medications or activities of daily living and do not exceed 28 hours per week.

The state may grant a waiver of the occupancy and retention criteria for an individual tenant on a time-limited basis when it is the choice of the tenant, the program is able to provide staff necessary to meet the tenant's service needs, and it will not jeopardize the health safety, security, or welfare of the tenant, staff, and other tenants. In addition, the tenant must have been diagnosed with a terminal illness and admitted to hospice, and the tenant accedes the criteria for retention and admission for a temporary period of less than six months. Terminal diagnosis means within six months of end of life.

Resident Assessment

A program shall evaluate each tenant's functional, cognitive and health status within 30 days of occupancy. A program shall also evaluate each tenant's status as needed with significant change, but not less than annually, to determine continued eligibility for the

program and to determine any changes to services needed. There are no specific forms required, but the selected forms must be submitted with the application for certification. Programs must develop individualized service plans at specified intervals.

Medication Management

Tenants self-administer medications or the tenant may delegate the administration to the program. The regulations defer to the Iowa Nurse Practice Act, which allows nurses to delegate medication administration to unlicensed staff.

A program that administers prescription medications or provides health care professional-directed or health-related care must provide for an RN to monitor, at least every 90 days or after a significant change in condition, each tenant receiving program-administered prescription medications for adverse reactions and ensure that the medication orders are current and the medications are administered consistent with those orders.

Square Feet Requirements

For programs operating in new construction built on or after July 4, 2001, private tenant single occupancy units must be a minimum of 240 square feet for new construction or a minimum of 190 square feet for a structure being converted or rehabilitated for assisted living. Double occupancy tenant units must be a minimum of 340 square feet for new construction and a minimum of 290 square feet for a structure being converted or rehabilitated for assisted living. Floor area excludes bathrooms and door swing.

Residents Allowed Per Room

A maximum of one resident may live in a single occupancy apartment. One or two residents may live in a double occupancy apartment. Apartments are classified as single or double occupancy by square footage.

Bathroom Requirements

Each tenant unit must have a bathroom, including a toilet, sink, and bathing facilities.

Life Safety

All new facilities must be sprinklered. Smoke detection is required. Smoke alarms and smoke detection systems shall comply with National Fire Protection Association (NFPA) 101, 2003 Edition, Chapter 32 (New Board & Care) or Chapter 33 (Existing Board and Care) and NFPA 72, National Fire Alarm Code. Approved smoke alarms shall be installed inside every sleeping room, outside every sleeping area in the immediate vicinity of the bedrooms, and on all levels of the resident unit. Corridors and spaces open to corridors shall be provided with smoke detectors, arranged to initiate an alarm that is audible in all sleeping areas. Sprinkler systems must comply with NFPA 13 or 13R standards.

Building type may determine which type of sprinkler system should

be installed. The type of smoke detection required varies depending on whether a facility is new, existing, sprinkled or not.

When the assisted living facility is attached to a health care facility that is certified for Medicaid and Medicare patients, the facility must comply with either Chapter 32 or Chapter 33 of the NFPA 2000 edition of the Life Safety Code.

**Unit and Staffing
Requirements for
Serving Persons
with Dementia**

ALPs may be certified as a dementia care unit if they meet additional requirements. The Department approves the memory care program after reviewing the facility's policies, staffing plan, admission and discharge criteria, safety procedures, and service plan.

Dementia-specific assisted living program means a certified assisted living program that: (1) serves fewer than 55 tenants or has five or more tenants who have dementia between Stages 4 and 7 on the GDS; (2) serves 55 or more tenants and 10 percent or more of the tenants have dementia between Stages 4 and 7 on the GDS; or (3) holds itself out as providing specialized care for persons with dementia, such as Alzheimer's disease in a dedicated setting.

A program must be designed to meet the needs of tenants with dementia. Service plans must include planned and spontaneous activities based on the tenant's abilities and personal interests.

An operating alarm system shall be connected to each exit door in a dementia-specific program. A program serving a person with a cognitive disorder or dementia, whether in a general or dementia-specific setting, shall have written procedures regarding alarm systems and appropriate staff response if a tenant with dementia is missing. A program serving persons with cognitive impairment or dementia must have the means to disable or remove the lock on an entrance door and must do so if the presence of the lock presents a danger to the health and safety of the tenant. Dementia-specific programs are exempt from some of the structural requirements for general assisted living programs. Exemptions include that self-closing doors are not required for individual dwelling units or bathrooms; dementia-specific programs may choose not to provide bathing facilities in the living units; and square footage requirements for tenant rooms are reduced.

A Dementia-specific Assisted Living Program must have one or more staff on duty 24 hours a day in the proximate area.

All personnel employed by or contracting with a dementia-specific program shall receive a minimum of eight hours of dementia-

specific education and training within 30 days of either employment or the beginning date of the contract. All personnel employed by or contracting with a dementia-specific program shall receive a minimum of two hours of dementia -specific continuing education annually. Direct-contact personnel shall receive a minimum of eight hours of dementia-specific continuing education annually. Specific topic areas must be covered in the training.

Staffing Requirements

All Assisted Living Programs must be overseen by an RN. Sufficiently trained staff must be available at all times to fully meet tenants' scheduled and unscheduled or unpredictable needs in a manner that promotes maximum dignity and independence and provides supervision, safety, and security. There are no staffing ratios. An assisted living program shall have one or more staff persons who monitor tenants as indicated in each tenant's service plan. The staff shall be able to respond to a call light or other emergent tenant needs and be in the proximate area 24 hours a day on site. "Proximate area" is defined as a 15-minute response time.

Administrator Education/Training

All programs employing a new program manager after January 1, 2010 shall require the manager within six months of hire to complete an assisted living management class whose curriculum includes at least six hours of training specifically related to Iowa rules and laws on Assisted Living Programs. Managers who have completed a similar training prior to January 1, 2010 shall not be required to complete additional training to meet this requirement. All programs employing a new delegating nurse after January 1, 2010 shall require the delegating nurse within six months of hire to complete an assisted living manager class or assisted living nursing class whose curriculum includes at least six hours of training specifically related to Iowa rules and laws on assisted living. A minimum of one delegating nurse from each program must complete the training. If there are multiple delegating nurses and only one delegating nurse completes the training, the delegating nurse who completes the training shall train the other delegating nurses in the Iowa rules and laws on assisted living. As of January 1, 2011, all programs shall have a minimum of one delegating nurse who has completed the training.

Staff Education/Training

All personnel must be able to implement the program's accident, fire safety, and emergency procedures, and assigned tasks. Within 30 days of beginning employment, all program staff shall receive training by the program's RN(s). Training for noncertified staff shall include, at a minimum, the provision of ADLs and IADLs. Training for noncertified staff shall include, at a minimum, the provision of ADLs and IADLs. Certified and noncertified staff shall receive training regarding service plan tasks (e.g., wound care, pain

management, rehabilitation needs and hospice care) in accordance with medical or nursing directives and the acuity of the tenants' health, cognitive or functional status.

**Entity Approving
CE Program**

None specified.

**Medicaid Policy and
Reimbursement**

A Medicaid home and community-based services (HCBS) waiver covers consumer-directed attendant care services in assisted living programs. The Department of Human Services approves waiver services. The maximum reimbursement for elderly waiver services is \$1,365.78 per month. In addition, the State Supplementary Assistance In-Home Health program provides funding for services in assisted living when the HCBS waiver maximum is met and additional services are needed.

Citations

Iowa Administrative Code, Title 481, Chapter 67: General Provisions for Elder Group Homes, Assisted Living Programs, and Adult Day Services. [December 20, 2017]
<https://www.legis.iowa.gov/docs/iac/chapter/03-28-2018.481.67.pdf>

Iowa Administrative Code, Title 481, Chapter 69: Assisted Living Programs. [March 16, 2016]
<https://www.legis.iowa.gov/docs/iac/chapter/03-28-2018.481.69.pdf>

Iowa Code, Chapter 231C: Assisted Living Programs
<https://www.legis.iowa.gov/docs/code/2018/231C.pdf>

Iowa Department of Human Services. Medicaid Programs: Home and Community Based Services (HCBS) Waiver Program.
<http://dhs.iowa.gov/ime/members/medicaid-a-to-z/hcbs/waivers>

Iowa Department of Inspections and Appeals, Health Facilities Division
(515) 281-6325